


PATENT

IN THE UNITED STATES RECEIVING OFFICE

Applicants (for the U.S.): WIND, Donald G. and KUBALA, Jeffrey R.
 Serial No.: PCT/US03/13913
 Filed: 02 May 2003
 Docket No.: 160-P-1588WO01
 Title: COMPLIANT OVERPRINT VARNISHES

Certificate of Express Mail	
Pursuant to 37 CFR 1.10, I certify that this correspondence is being deposited on the date indicated below with the United States Postal Service "Express Mail Post Office to Addressee" service addressed to: Mail Stop: PCT, Attn: Office of PCT Legal Administration, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
Express Mail No.: ED 240260415 US	Signature 
Date 24 January 2005	Printed Name Lynelle K. Grube

01/31/2005 LLANDGRA 00000051 10522120

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**PETITION TO REVIVE UNINTENTIONALLY ABANDONED
INTERNATIONAL APPLICATION UNDER 37 C.F.R. §1.137(b)**

Mail Stop PCT
 Attn: Office of PCT Legal Administration
 Commissioner for Patents
 Alexandria, VA 22313-1450

Dear Sir:
 1500.00 DA

U.S. applicants Donald G. Wind and Jeffrey R. Kubala and their assignee Valspar Sourcing, Inc. petition pursuant to the provisions of 37 CFR §1.137(b) to revive unintentionally abandoned International Application Serial No. PCT/US03/13913 so that the accompanying U.S. national stage application may be filed as a copending application.

RECEIVED

The International Application became abandoned on 3 November 2004, 30 months after the 3 May 2002 filing date of U.S. Provisional Application No. 60/377,523 (the priority document). The International Application designated the U.S., and applicants intended to file a U.S. National Stage Application. However, due to a misunderstanding as shown in the attached documents, a U.S. national stage application has unintentionally not yet been filed.

Applicants are providing copies of the attached documents to support this petition. Applicants do not waive the attorney-client privilege for any other communications involving their International Application or any related patent applications and prior counsel, the undersigned attorney or counsel for Valspar Sourcing, Inc.

On 17 March 2004 Mr. Andrew Ubel (counsel for assignee Valspar Sourcing, Inc.) transferred responsibility for the International Application from prior counsel to the undersigned attorney (see Attachment 1). On 3 August 2004 the undersigned attorney wrote to Valspar Sourcing, Inc. to enquire as to where national or regional filings should take place (see Attachment 2). Following the sending of various additional letters or notes referring to the upcoming national and regional filing deadline (and omitted in the interest of brevity), on 15 October 2004 Mr Ubel sent national and regional filing instructions to the undersigned attorney (see Attachment 3). Attachment 3 referred to a U.S. application identified as file no. 06 1588 0101 and said that "(This case is already pending)". The undersigned attorney assumed from Attachment 3 that prior counsel had already filed a U.S. national stage application, and accordingly did not file a U.S. national stage application at the time the other national and regional filings were sent to the applicable foreign associates.

On January 19, 2005 Mr. Ubel advised the undersigned attorney that the Attachment 3 note may have mistakenly conveyed the impression that a U.S. national stage application had been filed but that the note was incorrect. Mr. Ubel asked the undersigned attorney to determine whether such an application could still be filed. On January 20, 2005 the undersigned attorney called the USPTO (which was closed that day due to the U.S. presidential inauguration) to ascertain the proper procedures. On Monday, January 24, 2005

the undersigned attorney spoke with Ms. Carol E. Bidwell of the USPTO Office of PCT Legal Administration regarding those procedures and filed this petition.

The entire delay between the 3 November 2004 date the International Application became abandoned until the filing of a grantable petition pursuant to 37 C.F.R. §1.137(b) was unintentional.

No terminal disclaimer is required in connection with this petition, since the International Application has an international filing date on or after June 8, 1995.

Please charge the \$1500.00 surcharge for a large entity set forth in 37 CFR §1.17(m) to Deposit Account No. 50-0549. Please charge Deposit Account No. 50-0549 for any other fees under 37 CFR §1.16 and §1.17 that may be required during the pendency of this application. This authorization includes the fee for any extension of time under 37 CFR §1.136(a) that may be necessary. To the extent any such extension should become necessary it is hereby requested.

The responsible Petitions Examiner is encouraged to call the undersigned attorney if there are any questions regarding this Petition.

Respectfully submitted on behalf

of VALSPAR SOURCING, INC.,

Date: 24 January 2005

By: 

David R. Cleveland

Reg. No. 29,524

Telephone: (612) 331-7412

Facsimile: (612) 331-7401

IPLM Group, P.A.
Box 18455
Minneapolis, MN 55418

Enc: Attachments 1-3
U.S. national stage application and accompanying papers

10/522120

DT01 Rec'd PCT/PTC 24 JAN 2005

David Cleveland

From: UBEL, ANDY [aubel@valspar.com]
Sent: Wednesday, March 17, 2004 4:15 PM
To: 'jswierzewski@larkinhoffman.com'
Cc: David Cleveland (E-mail); LESTER, KAITLIN
Subject: File transfer

Mr. Swierzewski,
Please transfer all the Valspar files to Mr. David Cleveland.
Mr. David Cleveland, Esq.
IPLM Group, P.A.
Intellectual Property Attorneys
Broadway Place West, Suite 6600
1300 Godward Street NE
Minneapolis, MN 55413-1741

We do not want to miss any deadlines. Please let Mr. Cleveland know whether any of the deadlines are imminent.

(Kaitlin, As a backup, please also review your docket and send David our understanding of the action dates.)

Thank you.

Regards,

Andrew Ubel
Valspar Law Dept.
612.375.7322 voice; 612.375.7313 fax
This e-mail may contain information that is confidential and protected by the attorney-client or work product privileges. Unauthorized disclosure or use of this information is prohibited. If you have received this e-mail in error, please destroy it and notify us.

Attachment 1

IPLM Group, P.A.
Intellectual Property Attorneys

10/522120
DT01 Rec'd PCT/PTO 24 JAN 2005

Broadway Place West, Suite 6600
1300 Godward Street NE
Minneapolis, MN 55413-1741

Phone: (612) 331-7400
Fax: (612) 331-7401
www.iplmgroup.com

August 3, 2004

Valspar Sourcing, Inc.
Attn: Andrew Ubel
1101 S. Third St.
Minneapolis, MN 55415

Re: Your Ref. No.: 06 1588 0201
PCT Application PCT/US03/13913
COMPLIANT OVERPRINT VARNISHES
Our Ref: 160-P-1588WO01

Dear Andy:

This letter is our reminder that any national or regional applications corresponding to the above identified PCT application will have to be translated (as needed) and filed by **November 3, 2004**. This usually requires at least 6 weeks advance notice to the responsible overseas associate, and sometimes even longer advance notice during the summer months. We enclose a copy of the PCT Designation of States form for this application and the currently pending claims to enable you to inform us where you would like national or regional applications filed. Please let us know your choices as soon as possible and in any event before **September 20, 2004**.

If you have any questions regarding this matter, please do not hesitate to contact me.

With kind regards,



David R. Cleveland
Direct: (612) 331-7412
dcleveland@iplmgroup.com

DRC:lkq

Enclosure: PCT Designation of States
Copy of pending PCT claims

Attachment 2

David R. Cleveland

From: UBEL, ANDY [aubel@valspar.com]
Sent: Friday, October 15, 2004 10:00 AM
To: 'dcleveland@iplmgroup.com'
Cc: LATHAM, LORELEI
Subject: 06 1588 0201

David,

Please proceed in the following countries for our 06 1588 xxxx series:

USA	06 1588 0101 (This case is already pending.)
Europe and extensions countries later.)	06 1588 0301 (We will probably pare back the
Japan	06 1588 4101
China	06 1588 1901
Brazil	06 1588 1601
Canada	06 1588 1701
Mexico	06 1588 4801

Regards,

Andrew Ubel
Valspar Law Dept.
612.375.7322 voice; 612.375.7313 fax

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